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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	) Examiner: Helms, Larry Ronald
Vanessa HSEI, et al.	) Art Unit: 1642
Application Serial No. 09/489,394	) Confirmation No. 5782
Filed: January 21, 2000	) Attorney's Docket No. 39766-0092 A
For: ANTIBODY FRAGMENTS- POLYMER CONJUGATES AND USES OF SAME	) Customer No. 25213

EXPRESS MAIL LABEL NO. EL 976 543 050 US  
Date Mailed: NOVEMBER 10, 2003

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM  
UNDER 35 U.S.C. §120 and 35 U.S.C. §119(e)

Mail Stop Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

The present application, U.S. Patent Application Serial No. 09/489,394 claims priority to U.S. Provisional Application Serial No. 60/116,787 filed January 21, 1999 evidenced by its filing receipt (copy enclosed).

Applicants petition the U.S. Patent and Trademark Office to accept the following claims for priority and for the benefit of prior-filed applications in pending U.S. Patent Application Serial No. 09/489,394 in addition to the above-named priority claim:

This application claims priority from co-pending Application Serial No. 09/026,985, filed February 20, 1998, now U.S. Patent No. 6,133,426, which claims the benefit of provisional Application Serial Nos. 60/038,664, filed February 21, 1997 and 60/074,330, filed January 22, 1998, and claims priority from co-pending U.S. Patent Application Serial No. 09/355,014, filed September 13, 1999, which claims priority from U.S. Patent Application Serial Nos. 08/804,444, filed February 21, 1997, now U.S. Patent No. 6,117,980, and 09/012,116 filed January 22, 1998, from all of which applications priority is claimed under 35 U.S.C. §120 and 35 U.S.C. §119(e).

/2003 AMUNDRAFT 00000142 081641 09489394

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NOV 14 2003

OFFICE OF PETITIONS

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09489394  
081641  
06/14/2004  
11/14/2003  
01 FC:1454  
1330.00 CR  
09489394  
081641  
00000143  
01 FC:1454  
1330.00 DA

## **REMARKS**

Each application in this chain was filed by an inventor or inventors named in the previously filed application before the patenting or abandonment of or termination of proceedings in the earlier filed application. Accordingly, the requirements for a claim of priority under 35 U.S.C. § 120 and 35 U.S.C. § 119(e) are satisfied.

Therefore, Applicants petition the U.S. Patent and Trademark Office to accept the priority claims to Application Serial Nos. 09/355,014; 09/026,985; 09/012,116; 08/804,444; 60/038,664; and 60/074,330 in the present Application Serial No. 09/489,394 as detailed above.

The Commissioner is authorized to charge (or credit any overpayment) Deposit Account No. **08-1641**, referencing Attorney's Docket No. **39766-0092 A** in payment for the fees due for this Petition. Such payment is believed to be in the amount of **\$1,330.00** for the petition fee required by 37 C.F.R. § 1.17(t) (fee code 1454).

This petition includes:

- a) the reference required by 35 U.S.C. §120, 35 U.S.C. §119(e), 37 C.F.R. §1.78(a)(3) and 37 C.F.R. §1.78(a)(5)
- b) the surcharge under 37 C.F.R. §1.17(t) (the above-indicated authorization)
- c) a statement that the entire delay between the claim was due under 37 C.F.R. §1.78(a)(5) and the date the claim was filed was unintentional (below).

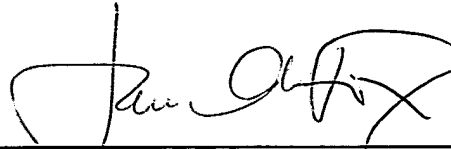
## **STATEMENT**

The entire delay between the dates the priority claims to Application Serial No. 09/355,014, filed September 13, 1999, Application Serial No. 09/012,116 filed January 22, 1998, Application Serial No. 09/026,985, filed February 20, 1998, Application Serial No. 60/074,330, filed January 22, 1998, Application Serial No. 60/038,664, filed February 21, 1997 and Application Serial No. 08/804,444, filed February 21, 1997 were due and the date this claim is filed was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,



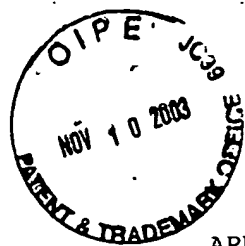
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James A. Fox (Reg. No. 38,455)

Date: November 10, 2003

**Heller Ehrman White & McAuliffe LLP**  
275 Middlefield Road  
Menlo Park, California 94025-3506  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

SV 465949 v3  
11/10/03 2:12 PM (39766.0092)



P1085R3



RB4e  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APRIL 06, 2001

GENENTECH, INC.  
RICHARD B. LOVE  
1 DNA WAY  
SOUTH SAN FRANCISCO, CA 94080

PTAS



\*101598893A\*

APR 10 2001

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/16/2001

REEL/FRAME: 011458/0859  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
HSEI, VANESSA

DOC DATE: 04/03/2000

ASSIGNOR:  
KOUMENIS, IPHIGENIA

DOC DATE: 04/03/2000

ASSIGNOR:  
LEONG, STEVEN R.

DOC DATE: 04/05/2000

ASSIGNOR:  
PRESTA, LEONARD

DOC DATE: 04/09/2000

ASSIGNOR:  
SHAHROKH, ZAHRA

DOC DATE: 09/25/2000

ASSIGNEE:  
GENENTECH, INC.  
1 DNA WAY  
SOUTH SAN FRANCISCO, CALIFORNIA

94080-4990

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Secretary and Commissioner

011458/0859 PAGE 2

SERIAL NUMBER: 09355014  
PATENT NUMBER:

FILING DATE: 09/13/1999  
ISSUE DATE:

LAZENA MARTIN, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



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AUG 26 1999



GENENTECH, INC.  
LEGAL DEPT PTAS

GENENTECH, INC.  
RICHARD B. LOVE  
1 DNA WAY  
SOUTH SAN FRANCISCO, CA 94080

1085R4-1A PL/L5  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*101068097A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/20/1999

REEL/FRAME: 010021/0349  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HSEI, VANESSA

DOC DATE: 04/28/1999

ASSIGNOR:

KOUMENIS, IPHIGENIA

DOC DATE: 04/28/1999

ASSIGNOR:

LEONG, STEVEN

DOC DATE: 05/04/1999

ASSIGNOR:

PRESTA, LEONARD

DOC DATE: 04/26/1999

ASSIGNOR:

SHAHROKH, ZAHRA

DOC DATE: 05/02/1999

ASSIGNOR:

ZAPATA, GERARDO

DOC DATE: 05/10/1999

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010021/0349 PAGE 2

ASSIGNEE:

GENETECH, INC.

1 DNA WAY

SOUTH SAN FRANCISCO, CALIFORNIA

94080-4990

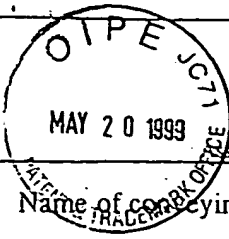
SERIAL NUMBER: 09234182

PATENT NUMBER:

FILING DATE: 01/20/1999

ISSUE DATE:

MAURICE CARTER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



06-17-1999



U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

Atty Dkt No: P108SR4-1A

is or copy thereof.

101068097



1. Name of conveying party(ies):

Vanessa Hsei  
Iphigenia Koumenis  
Steven Leong  
Leonard Presta  
Zahra Shahrokh  
Gerardo Zapata

2. Name and address of receiving party(ies):

Name: GENENTECH, INC.  
Internal Address:  
Street Address: 1 DNA Way  
City: South San Francisco State: California  
ZIP: 94080-4990

Additional name(s) of conveying party(ies) attached? Yes ☒ No

Additional name(s) & address(es) attached? Yes ☒ No

3. Nature of conveyance:

☒ Assignment                      Merger  
Security Agreement              Change of Name  
Other:

Execution Date: 4/26/99; 4/28/99; 5/2/99; 5/4/99; 5/10/99

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 09/234,182

B. Patent No.(s)

5. Name and address of party to whom correspondence concerning document should be mailed:

Richard B. Love  
GENENTECH, INC.  
1 DNA Way  
South San Francisco, CA 94080

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:  
07-0630

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard B. Love  
Name of Person Signing  
Registration No. 34,659

Signature

May 17, 1999  
Date

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Total number of pages comprising cover sheet, attachments and document: 7

Mail documents to be recorded with required cover sheet information to:  
Assistant Commissioner of Patents



**A S S I G N M E N T**

WHEREAS, Vanessa Hsei, a citizen of USA, residing at 5047 Capistrano Ave, San Jose, CA 95129, and Iphigenia Koumenis, a citizen of USA, residing at 3820 Park Boulevard, Palo Alto, CA 94306, and Steven Leong, a citizen of USA, residing at 1914 Eldorado Ave, Berkeley, CA 94707, and Leonard Presta, a citizen of USA, residing at 1900 Gough Street #206, San Francisco, CA 94109, and Zahra Shahrokh, a citizen of USA, residing at 24 Sotelo Ave San Francisco, CA 94116, and Gerardo Zapata, a citizen of USA, residing at 785 Widgeon St. Foster, City, CA 94404 (hereinafter "ASSIGNORS"), have invented a new and useful invention in

**ANTIBODY FRAGMENT-POLYMER CONJUGATES AND HUMANIZED ANTI-IL-8  
MONOCLONAL ANTIBODIES**

for which an application Serial No. 09/234,182 (Docket No. P1085R4-1A) for Letters Patent has been filed by them on 20 January 1999; and

WHEREAS, GENENTECH, INC., a corporation organized and existing under and by virtue of the laws of the State of Delaware, having a place of business at 1 DNA Way, South San Francisco, California 94080, is desirous of acquiring an interest in and to said invention, and in and to the Letters Patents to be obtained therefor;

NOW, THEREFORE, be it known by all whom it may concern;

That for good and valuable consideration the receipt of which is hereby acknowledged, the said ASSIGNORS have and do hereby sell, assign, transfer and set over unto the said GENENTECH, INC., its successors and assigns, the full and exclusive right, title and interest including all rights under the Paris Convention for the Protection of Industrial Property, in and to said invention, and in and to any and all Letters Patents to be granted and issued therefor or any continuation, division, renewal, or substitute thereof, and as to Letters Patents any reissue or re-examination thereof, not only for, to, and in the United States of America, its territories and possessions, but for, to and in all other countries; and it has been and is hereby authorized and requested that the appropriate government agencies issue said Letters Patents to said GENENTECH, INC., in accordance with this Assignment.

Said ASSIGNORS covenant and agree to cooperate with GENENTECH, INC., to enable said GENENTECH, INC. to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said ASSIGNORS includes prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said GENENTECH, INC., (a) for perfecting the right, title and interest herein conveyed (b) for prosecuting any of said applications; (c) for filing and prosecuting applications for reissuance of any of said patents; (d) for interference or other priority proceedings involving said invention; and (e) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said ASSIGNORS in providing such cooperation shall be paid for by said GENENTECH, INC.

The terms and covenants of this assignment shall inure to the benefit of said GENENTECH, INC., its successors, assigns and other legal representatives, and shall be binding upon said ASSIGNORS, their respective heirs, legal representatives and assigns.

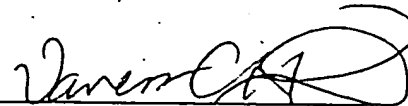
The terms and covenants of this assignment shall inure to the benefit of said GENENTECH, INC., its successors, assigns and other legal representatives, and shall be binding upon said ASSIGNORS, their respective heirs, legal representatives and assigns.

Said ASSIGNORS hereby warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF we undersign as follows;

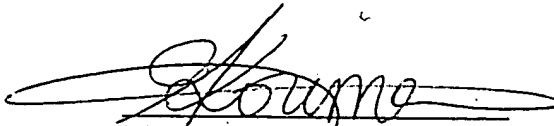
South San Francisco

Dated: 4/28/99

  
Vanessa Hsei

South San Francisco

Dated: 4/28/99

  
Iphigenia Koumenis

South San Francisco

Dated: \_\_\_\_\_

Steven Leong

South San Francisco

Dated: 4/26/99

  
Leonard Presta

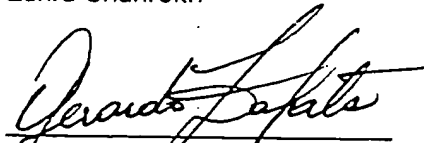
South San Francisco

Dated: 5/2/99

  
Zahra Shahrokh

South San Francisco

Dated: 5/10/99

  
Gerardo Zapata

The terms and covenants of this assignment shall inure to the benefit of said GENENTECH, INC., its successors, assigns and other legal representatives, and shall be binding upon said ASSIGNORS, their respective heirs, legal representatives and assigns.

Said ASSIGNORS hereby warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF we undersign as follows;

South San Francisco

Dated: \_\_\_\_\_

\_\_\_\_\_  
Vanessa Hsei

South San Francisco

Dated: \_\_\_\_\_

\_\_\_\_\_  
Iphigenia Koumenis

South San Francisco

Dated: 5-4-99

  
\_\_\_\_\_  
Steven Leong

South San Francisco

Dated: \_\_\_\_\_

\_\_\_\_\_  
Leonard Presta

South San Francisco

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zahra Shahrokh

South San Francisco

Dated: \_\_\_\_\_

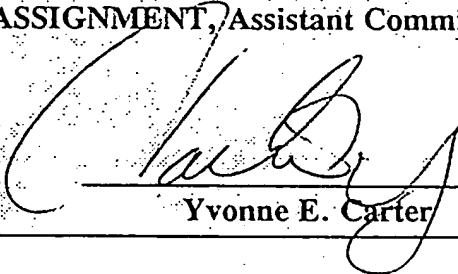
\_\_\_\_\_  
Gerardo Zapata



**CERTIFICATE OF MAILING**

5/17/99 : Date of Deposit

I hereby certify that the attached Recordation Form Cover Sheet and Assignment are being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX ASSIGNMENT, Assistant Commissioner of Patents, Washington, D.C. 20231.

  
Yvonne E. Carter

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**OFFICE OF PETITIONS**



P1085R10



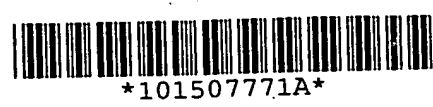
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JANUARY 03, 2001

PTAS

GENENTECH, INC.  
RICHARD B. LOVE  
1 DNA WAY  
SOUTH SAN FRANCISCO, CA 94080



UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/03/2000

REEL/FRAME: 011202/0462  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
HSEI, VANESSA

DOC DATE: 04/05/2000

ASSIGNOR:  
KOUMENIS, IPHIGENIA

DOC DATE: 04/03/2000

ASSIGNOR:  
LEONG, STEVEN

DOC DATE: 04/03/2000

ASSIGNOR:  
SHAHROKH, ZAHRA

DOC DATE: 04/09/2000

ASSIGNOR:  
ZAPATA, GERARDO

DOC DATE: 05/10/2000

ASSIGNEE:  
GENENTECH, INC.  
1 DNA WAY  
SOUTH SAN FRANCISCO, CALIFORNIA

94080-4990

011202/0462 PAGE 2

SERIAL NUMBER: 09489394  
PATENT NUMBER:

FILING DATE: 01/21/2000  
ISSUE DATE:

SEDLEY PYNE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/726,258	11/29/2000	1644	980	P1085R4-1AC1	144	35	1

09157  
GENENTECH, INC.  
1 DNA WAY  
SOUTH SAN FRANCISCO, CA 94080

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JUN 19 2001

GENENTECH, INC.  
LEGAL DEPT.

CONFIRMATION NO. 4895

UPDATED FILING RECEIPT



\*OC000000006183627\*

Date Mailed: 06/14/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

#### Applicant(s)

Vanessa Hsei, San Jose, CA;  
Iphigenia Koumenis, Palo Alto, CA;  
Steven Leong, Berkeley, CA;  
Leonard Presta, San Francisco, CA;  
Zahra Shahrokh, San Francisco, CA;  
Gerardo Zapata, St. Foster City, CA;

#### Assignment For Published Patent Application

Genentech, Inc.;

#### Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/234,182 01/20/1999  
AND CLAIMS BENEFIT OF 60/074,330 01/22/1998  
AND CLAIMS BENEFIT OF 60/094,013 07/24/1998  
AND CLAIMS BENEFIT OF 60/094,003 07/24/1998  
AND CLAIMS BENEFIT OF 60/075,467 02/20/1998

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#### Foreign Applications

CALENDAR/LS

Request Correction to Published App  
NOT EXTENDABLE

20 NOV 01

DUE DATE